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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 ARLENE COOK,

11 Plaintiff,

No. CIV S-12-0019 KJM-CKD

12 vs.

13 THE HARTFORD and GROUP LONG
14 TERM DISABILITY PLAN FOR
EMPLOYEES OF VANDERBILT
15 UNIVERSITY,

Defendants.

ORDER

16 _____/
17 This matter comes before the court upon defendants' motion to transfer venue.
18 (ECF 10.) Plaintiff opposes. (ECF 14.) For the reasons set forth below, the court GRANTS
19 defendants' motion.

20 I. BACKGROUND

21 On January 4, 2012, plaintiff Arlene Cook filed this ERISA action against The
22 Hartford and Group Long Term Disability Plan for Employees of Vanderbilt University (the
23 "Plan") (together with the Hartford, "defendants"). (ECF 1.) Plaintiff avers that defendant
24 Hartford has its principal place of business in California. (Complaint ¶ 4, ECF 1.) Hartford
25 contests this characterization in its answer and instead claims that it is incorporated and has its
26 principal place of business in Connecticut. (Answer ¶¶ 2, 4, ECF 7.) The Plan has its principal

1 place of business in Tennessee and plaintiff resides in Tennessee. (Complaint ¶¶ 3, 6.) Plaintiff
2 alleges that she worked at Vanderbilt University as an administrative assistant until February 2,
3 2009, when she became permanently disabled due to rheumatoid arthritis. (Complaint ¶ 7.) On or
4 about October 18, 2011, defendants denied plaintiff's long-term disability benefits. (Complaint ¶
5 9.) This action seeks to regain those withheld disability benefits.

6 II. ANALYSIS

7 Defendants do not contest venue as proper in this district, but rather, they move to
8 transfer venue under 28 U.S.C. § 1404(a), which provides, “[f]or the convenience of parties and
9 witnesses, in the interest of justice, a district court may transfer any civil action to any other
10 district or division where it might have been brought” “[T]he purpose of the section is to
11 prevent the waste of time, energy and money and to protect litigants, witnesses and the public
12 against unnecessary inconvenience and expense. To this end it empowers a district court to
13 transfer any civil action.” *Van Dusen v. Barrack*, 376 U.S. 612, 616 (1964) (internal quotation
14 marks, alteration and footnote omitted).

15 A party seeking transfer must prove “(1) that venue is proper in the transferor
16 district; (2) that the transferee district is one where the action might have been brought; and
17 (3) that the transfer will serve the convenience of the parties and witnesses, and will promote the
18 interests of justice.” *Guy v. Hartford Life Group Ins. Co.*, No. C 11–3453 SI, 2011 WL 5525965,
19 at *1 (N.D.Cal. Nov. 14, 2011). Here, plaintiff does not dispute that venue would be proper in
20 the Middle District of Tennessee or that the action could have been brought there. (*See* Opp’n at
21 4-7, ECF 14.) The only issue, then, is whether transfer would be more convenient and serve the
22 interests of justice.

23 District courts have wide discretion to determine on an individualized basis
24 whether to transfer an action. *See Jones v. GNC Franchising, Inc.*, 211 F.3d 495, 498 (9th Cir.
25 2000). In applying an individualized analysis, “the court may consider: (1) the location where the
26 relevant agreements were negotiated and executed, (2) the state that is most familiar with the

1 governing law, (3) the plaintiff's choice of forum, (4) the respective parties' contacts with the
2 forum, (5) the contacts relating to the plaintiff's cause of action in the chosen forum, (6) the
3 differences in the costs of litigation in the two forums, (7) the availability of compulsory process
4 to compel attendance of unwilling non-party witnesses, and (8) the ease of access to sources of
5 proof.” *Id.* at 498-99. A court may also consider the relative docket congestion and time to trial
6 between the transferee and transferor districts. *See Williams v. Bowman*, 157 F. Supp. 2d 1103,
7 1106 (N.D. Cal. 2001).

8 Plaintiff argues that this district is not inconvenient and therefore the case should
9 remain here in deference to her choice of forum. (*See Opp’n* at 4-7.) However, deference to a
10 plaintiff’s choice of venue is “substantially reduced” when the plaintiff does not reside within
11 that district. *Williams*, 157 F. Supp. 2d at 1106.

12 Defendants argue that the Plan, the plaintiff and the treating physicians are all
13 found in the Middle District of Tennessee and therefore that would be a more convenient
14 location. Defendants have provided evidentiary submissions to that effect. (*See generally* ECF
15 12.) Moreover, local courts would have a stronger interest in the outcome given the significant
16 contacts to that District. In addition, as defendants note and this court regrettably must confirm,
17 the case congestion is greater in this district and there is a significantly speedier resolution of
18 cases in the Middle District of Tennessee, as reported by the Administrative Office of the United
19 States Courts. (ECF 12-4 at 19-23.)

20 The court finds that the interests of justice and the convenience of the parties are
21 served by transfer to the Middle District of Tennessee. Here, plaintiff, a Tennessee resident, is
22 suing over an ERISA plan covering other Tennessee residents and maintained by a Tennessee
23 employer. The only connection to this forum is the tenuous location of a claims office here that,
24 according to defendants, had no involvement in plaintiff’s claim. Even assuming, as plaintiff
25 contends, that this case is tried exclusively on the administrative record and thereby requires no
26 further discovery, or travel from treating physicians in Tennessee or other involved parties, the

1 court finds transfer to a District with an interest in the litigation serves the interests of justice and
2 will further conformity for resolution of ERISA claims under the Plan. *See Guy*, 2011 WL
3 5525965, at *2-3; *cf. Egelhoff v. Egelhoff ex rel. Breiner*, 532 U.S. 141, 148 (2001). Finally, the
4 relatively speedier resolution available in the Middle District of Tennessee militates in favor of
5 transfer.

6 This action is hereby transferred to the United States District Court for the Middle
7 District of Tennessee.

8 IT IS SO ORDERED.

9 DATED: July 16, 2012.

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13 UNITED STATES DISTRICT JUDGE
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